

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:06-CR-53-1H

UNITED STATES OF AMERICA     )  
                                      )  
                  v.                    )  
                                      )  
RAMIRO CHAVEZ RIOS            )  
                  Defendant.        )

ORDER TO REDUCE TERM  
OF IMPRISONMENT TO TIME SERVED

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Ramiro Chavez Rios, to time served, and commencement of a five-year term of supervised release previously imposed. The Court finds:

1. Defendant Ramiro Chavez Rios was convicted of violating 21 U.S.C. § 846, Conspiracy to Distribute and Possess with the Intent to Distribute More than 500 Grams of Cocaine.

2. On February 5, 2008, the court sentenced the defendant to a 135-month term of imprisonment followed by a five-year term of supervised release.

3. The defendant's Good Conduct Time release date is January 14, 2016. He is unlikely to survive to that date.

4. The defendant is age 42 and has been diagnosed with

cholangiocarcinoma, cancer of the liver and bile ducts. He has not responded to radiation, and has undergone chemotherapy with only limited success. His cancer is inoperable and chemotherapy at this time is only palliative. Despite aggressive treatment, his prognosis is poor and his life expectancy is estimated at less than twelve months.

5. The defendant will be released to his family in Houston, Texas.

6. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the court, upon motion of the Director of the Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this court agrees, that the Defendant's terminal illness constitutes an extraordinary and compelling reason that warrants the requested reduction.

**IT IS THEREFORE ORDERED** that the defendant's term of imprisonment is hereby reduced to the time he has already served.

**IT IS FURTHER ORDERED** that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made.

**IT IS FURTHER ORDERED** that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving

the five-year term of supervised release previously imposed.

This the 14th day of MAY 2013.

A handwritten signature in black ink, appearing to read "MALCOLM J. HOWARD", written over a horizontal line.

MALCOLM J. HOWARD  
SENIOR UNITED STATES DISTRICT JUDGE